

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JANICE DONALD,

Plaintiffs,

v.

Case Number 08-14784-BC
Honorable Thomas L. Ludington

COMMISSIONER OF SOCIAL
SECURITY,

Defendants.

_____ /

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGEMENT, AND
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Magistrate Judge R. Steven Whalen issued a report and recommendation on October 28, 2009 recommending that Defendant Commissioner of Social Security's motion for summary judgment [Dkt. # 21] be granted and Plaintiff Janice Donald's motion for summary judgment be denied [Dkt. # 18]. The report and recommendation was served on Plaintiff the same day, starting the ten-day period in which she could object. 28 U.S.C. § 636. Plaintiff did not file an objection within the required time period. A party's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Nevertheless, the Court agrees with the Magistrate Judge's findings.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt. # 22] is **ADOPTED**.

It is further **ORDERED** that Defendant's motion for summary judgment [Dkt. # 21] is

GRANTED.

It is further **ORDERED** that Plaintiff's motion for summary judgment [Dkt. # 18] is **DENIED.**

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: December 9, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 9, 2009.

s/Tracy A. Jacobs
TRACY A. JACOBS